

EXHIBIT C

20-2-00100-38
AMSM 6
Amended Summons
8555428



FILED

JUL 22 2020

JILL E. WHELCHEL
WHITMAN COUNTY CLERK

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

JACQUELINE MILLER, a single person,

Plaintiff,

v.

WHITMAN COUNTY and JILL WHELCHEL, a single person and in her capacity as employee of Whitman County,

Defendants.

NO. 20-2-00100-38

AMENDED SUMMONS [20 DAYS]

TO: JILL WHELCHEL

AND TO: Their attorneys.

A lawsuit has been started against you in the above-entitled Court by Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the person signing this summons within twenty (20) days after the service of this Summons, excluding the day of service, or within sixty (60) days if this Summons was served outside the State of Washington, or within forty (40) days if this Summons is served through the Insurance Commissioner's

AMENDED SUMMONS - 1

PHELPS AND ASSOCIATES, PS

Attorneys at Law

2903 N. Stout Rd.

Spokane, WA 99206-4373

(509) 892-0467

Email: phelps@phelpsalaw.com

ORIGINAL

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1 Office, or a Default Judgment may be entered against you without notice. A Default
2 Judgment is one where Plaintiff is entitled to what the complaint asks for because you
3 have not responded. If you serve a notice of appearance on the undersigned attorney, you
4 are entitled to notice before a default judgment may be entered.

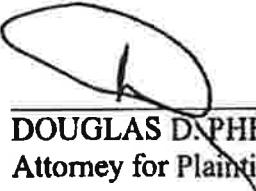
5 You may demand that the Plaintiff file this lawsuit with the Court. If you do so,
6 the demand must be made in writing and must be served upon the Plaintiffs. Within
7 fourteen (14) days after you serve demand, the Plaintiffs must file this lawsuit with the
8 Court, or the service on you of this Summons and Complaint will be void.

9 If you wish to seek the advice of an attorney in this matter, you should do so
10 promptly so that your written response, if any, may be served on time.

11 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of
12 the State of Washington.

13
14 DATED at Spokane, Washington this 22nd day of July, 2020.

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16 PHELPS & ASSOCIATES

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DOUGLAS D. PHELPS, WSBA 22620
19 Attorney for Plaintiffs

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28 AMENDED SUMMONS - 2

PHELPS AND ASSOCIATES, PS

Attorneys at Law

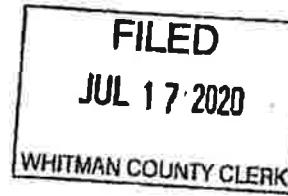
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20-2-00100-38
9M 3
Summons
8629254



IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

JACQUELINE MILLER, a single person,

Plaintiff,

v.

WHITMAN COUNTY and JILL WHELCHEL, a
single person and in her capacity as employee of
Whitman County,

Defendants.

20 2 00100 38

NO. _____

SUMMONS [20 DAYS]

TO: JILL WHELCHEL

AND TO: Their attorneys.

A lawsuit has been started against you in the above-entitled Court by, Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the person signing this summons within twenty (20) days after the service of this Summons, excluding the day of service, or within sixty (60) days if this Summons was served outside the State of Washington, or within forty (40) days if this Summons is served through the Insurance Commissioner's

SUMMONS - 1

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ORIGINAL

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1 Office, or a Default Judgment may be entered against you without notice. A Default
2 Judgment is one where Plaintiff is entitled to what the complaint asks for because you
3 have not responded. If you serve a notice of appearance on the undersigned attorney, you
4 are entitled to notice before a default judgment may be entered.

5 You may demand that the Plaintiff file this lawsuit with the Court. If you do so,
6 the demand must be made in writing and must be served upon the Plaintiffs. Within
7 fourteen (14) days after you serve demand, the Plaintiffs must file this lawsuit with the
8 Court, or the service on you of this Summons and Complaint will be void.

9 If you wish to seek the advice of an attorney in this matter, you should do so
10 promptly so that your written response, if any, may be served on time.

11 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of
12 the State of Washington.

13
14 DATED at Spokane, Washington this 16th day of July, 2020.

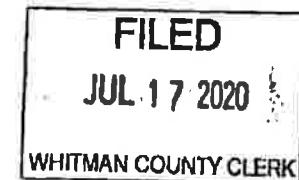
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16 PHELPS & ASSOCIATES

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DOUGLAS D. PHELPS, WSBA 22620
Attorney for Plaintiffs

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28 SUMMONS - 2

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20-2-00100-38
CMP 2
Complaint
8629250



IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE WHITMAN COUNTY

JACQUELINE MILLER, a single person,

Plaintiff,

v.

WHITMAN COUNTY and JILL WHELCHEL, a single person and in her capacity as employee of Whitman County,

Defendants.

NO. 20 2 00100 38

COMPLAINT

COMES NOW the Plaintiff, JACQUELINE MILLER, a single person, by and through her attorney, DOUGLAS D. PHELPS, and for a cause of action against the Defendants above-named alleges as follows:

I. JURISDICTION

- 1.1 Plaintiff, JACQUELINE MILLER, a single person, is and was at all times relevant hereto a resident of Whitman County, Washington.
- 1.2 Plaintiff, JILL WHELCHEL, a single person, is and was at all times relevant hereto a resident of Whitman County, Washington.
- 1.4 All acts and omissions alleged herein occurred in Whitman County, Washington.

II. CLAIM

- 2.1 On or about May 9, 2018, Plaintiff JACQUELINE MILLER was served an arrest

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warrant from Whitman County due to failure to pay fines.

- 1 2.2 Plaintiff JACQUELINE MILLER was arrested and held in jail.
- 2 2.3 Defendant JILL WHELCHEL, a clerk, signed the warrant instead of a duly
- 3 appointed Judge.
- 4 2.4 Defendant JILL WHELCHEL did not have the authority to sign an arrest warrant
- 5 for the Plaintiff JACQUELINE MILLER.
- 6 2.5 Plaintiff JACQUELINE MILLER was placed under arrest and held in jail based
- 7 on a warrant that was signed by the clerk and not by a duly appointed Judge.
- 8 2.6 Plaintiff JACQUELINE MILLER was held in the Whitman County jail until she
- 9 appeared before the duly appointed Judge who released her.

10 **III. CAUSE OF ACTION FOR VIOLATION OF PLAINTIFF'S**
11 **CONSTITUTIONAL RIGHTS UNDER COLOR OF LAW PURSUANT**
12 **TO 42 USC 1983 (THE CIVIL RIGHTS ACT)**

13 Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 2.1 to

14 2.6 as paragraphs 3.1 to 3.6.

15 3.7 The Defendants caused or failed to prevent injury to JACQUELINE MILLER in

16 violation of his rights under 42 USC 1983.

17 3.8 The Defendants failed to properly investigate the allegations against

18 JACQUELINE MILLER, causing JACQUELINE MILLER to be falsely

19 arrested, injuring her and causing damages.

20 3.9 That the Defendants WHITMAN COUNTY and JILL WHELCHEL by custom,

21 policy, or practice caused the injury to JACQUELINE MILLER.

22 3.10 As a result of the deprivations and violations to JACQUELINE MILLER's

23 rights, JACQUELINE MILLER suffered and continues to suffer injury and as a

24 result of this false arrest and injuries including but not limited to physical,

25 psychological, and emotional.

26 3.11 As a result of the actions or inactions of WHITMAN COUNTY and JILL

27 WHELCHEL, JACQUELINE MILLER suffered and continues to suffer injury,

28 including but not limited to, injuries that are physical, psychological, and

emotional.

3.12 The County of Whitman was served with a Notice of Claim pursuant to RCW 4.28.080 on April 22, 2020.

IV. FOURTH AMENDMENT VIOLATION

Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 2.1 to 2.6 as paragraphs 4.1 to 4.6.

4.7 Plaintiff JACQUELINE MILLER was stopped, detained, searched, and hand cuffed by a Deputy Sheriff acting on a warrant signed by, JILL WHECHEL.

4.8 Plaintiff JACQUELINE MILLER was transported to the Whitman County Jail where she was searched, booked, and held in the County jail based on arrest warrant signed by JILL WHECHEL.

4.9 The RCW 10.88.320 authorizes the issuance of arrest warrants only by duly appointed Judge and not a clerk.

4.10 Plaintiff JACQUELINE MILLER was not released until she appeared before a
duly elected Judge Libey.

V. DUE PROCESS VIOLATION UNDER THE 14TH AMENDMENT

Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 2.1 to 2.6 as paragraphs 5.1 to 5.6.

5.7 Plaintiff JACQUELINE MILLER was denied due process under 14th Amendment of law when a duly appointed Judge did not review and sign the arrest warrant.

5.8 Plaintiff JACQUELINE MILLER was denied due process of law under the 14th Amendment when an arrest warrant was signed by a clerk of the court, JILL WHECHEL.

5.9 Plaintiff JACQUELINE MILLER was denied due process of law under the 14th Amendment when a non-judicial officer, JILL WHECHEL initiated legal process against JACQUELINE MILLER.

5.10 Plaintiff JACQUELINE MILLER was denied due process of law when she was arrested, searched, and held on improperly authorized warrant.

1 VI. FALSE ARREST AND FALSE IMPRISONMENT

2 Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 3.1 to
3 3.6 as paragraphs 6.1 to 6.6.

4 6.7 Clerk, JILL WHECHEL, by the unauthorized issuance of an arrest warrant cause
5 the false arrest of JACQUELINE MILLER by ordering restraining confining
6 and/or detaining Plaintiff's personal liberty when without legal authority.

7 6.8 Clerk, JILL WHECHEL acted intentionally in issuing arrest warrant for Plaintiff
8 JACQUELINE MILLER.

9 6.9 Clerk JILL WHECHEL, a County clerk, acted unlawfully and without legal
10 authority in issuing an arrest warrant for JACQUELINE MILLER.

11 6.10 The arrest was against the will and without the consent of Plaintiff
12 JACQUELINE MILLER.

13 6.11 As a result of the false arrest and false imprisonment, Plaintiff JACQUELINE
14 MILLER suffered damages including emotional and physical.

15 VII. MONELLE CLAIMS FOR NEGLIGENT INVESTIGATION,
16 NEGLIGENT TRAINING, SUPERVISION AND RETENTION

17 Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 3.1 to
18 3.6 as paragraphs 7.1 to 7.6.

19 7.7 WHITMAN COUNTY failed to conduct an adequate investigation prior to
20 entering an arrest warrant into the police data base.

21 7.8 Clerk, JILL WHECHEL was not adequately trained or supervised by County of
22 Whitman in her legal authority as clerk to authorize warrants of arrest.

23 7.9 That Clerk, JILL WHECHEL was not adequately supervised by the County of
24 Whitman to avoid the illegal issuance of a warrant by anyone but a duly
25 appointed Judge.

26 7.10 That WHITMAN COUNTY by custom, policy, or practice caused the
27 deprivation of the rights of JACQUELINE MILLER.

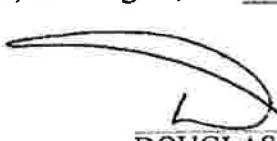
- 1 7.11 That Defendants WHITMAN COUNTY are liable for the actions of their
- 2 employees for failing to train said employees in procedures involving issuing
- 3 arrest warrants.
- 4 7.12 That as a result of the actions or inactions of the employees of WHITMAN
- 5 COUNTY, JACQUELINE MILLER suffered and continues to suffer injury.
- 6 7.13 That WHITMAN COUNTY failed to adequately and fully train clerk, JILL
- 7 WHECHEL, resulting in the injury of JACQUELINE MILLER.
- 8 7.14 That as a result of the negligent training of JILL WHECHEL, JACQUELINE
- 9 MILLER suffered and continues to suffer injury.
- 10 7.15 That Defendants WHITMAN COUNTY, are liable for the actions of their
- 11 employees for failing to supervise said employees in procedures involving
- 12 issuance of arrest warrants, which resulted in the injury to JACQUELINE
- 13 MILLER.
- 14 7.16 That as a result of the actions or inactions of the employees of WHITMAN
- 15 COUNTY, JACQUELINE MILLER suffered and continues to suffer injury.
- 16 7.17 That WHITMAN COUNTY failed to adequately and fully supervise clerk,
- 17 resulting in the injury of JACQUELINE MILLER.
- 18 7.18 That as a result of the negligent supervision, JACQUELINE MILLER suffered
- 19 and continues to suffer injury both physical and emotional.
- 20 7.19 That as a result of the actions or inactions of WHITMAN COUNTY,
- 21 JACQUELINE MILLER suffered and continues to suffer injury.
- 22 7.20 That as a result of the negligent retention, JACQUELINE MILLER suffered and
- 23 continues to suffer injury.

VIII. RELIEF SOUGHT

WHEREFORE, Plaintiff prays for judgment against the defendants, jointly and severally, in an amount that will fairly compensate plaintiff for all damages sustained, costs, and reasonable attorney's fees and costs, interest calculated at the maximum amount allowable by law, and other relief the court deems just, including but not limited to:

- 1 8.1 Past and future medical expenses, other health care expenses.
- 2 8.2 Past and future loss of earnings.
- 3 8.3 Permanent partial impairment of earnings and earning capacity.
- 4 8.4 Property damage and loss of use.
- 5 8.5 Pain and suffering, both mental and physical.
- 6 8.6 Past and future permanent partial disability.
- 7 8.7 Loss of enjoyment of life.
- 8 8.8 Past and future special damages.
- 9 8.9 Interest calculated at the maximum amount allowable by law,
including prejudgment interest.
- 10 8.10 Attorneys fees and costs.
- 11 8.11 Costs and disbursements herein in an amount to be proven at trial.

12 DATED at Spokane, Washington, this 16th day of July, 2020.

13 
14 DOUGLAS D. PHELPS, WSBA # 22620
15 Attorneys for Plaintiff

26 PHELPS AND ASSOCIATES, PS
27 Attorneys at Law
28 2903 N. Stout Rd.
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(509) 892-0467

Email: phelps@phelpsjawl.com

1 STATE OF WASHINGTON)
2 County of Whitman) : ss
3

4 JACQUELINE MILLER, being first duly sworn on oath, deposes and states:
5

6 I am the named Plaintiff herein, I have read the foregoing Complaint for
7 Damages; I know the contents thereof, and I believe the same to be true and correct.
8

9
10 *Jacqueline Miller*
11 ~~JACQUELINE MILLER~~
12

13 SUBSCRIBED AND SWORN TO before me this 23 day of June, 2020.
14



20 *Meganfalk*
21 NOTARY PUBLIC for the State of Washington
22 Residing at Spokane, WA
23 My Commission expires: 06 / 15 / 2021
24

25 PHELPS AND ASSOCIATES, PS
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28 Spokane, WA 99206-4373
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